

## CIVIL COVER SHEET

## APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS SEAK SEM

## DEFENDANTS QUALITY ASSET RECOVERY, LLC

(b) County of Residence of First Listed Plaintiff PHILADELPHIA  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) Cary L. Flitter, Esq., and Theodore E. Lorenz, Esq., Flitter Lorenz, P.C., 450 N. Narberth Avenue, Suite 101, Narberth, PA 19072, (610) 822-0782

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |  |   |                            |                            |
|--|---|----------------------------|----------------------------|
| PTF  | DEF   | PTF                        | DEF                        |
| Citizen of This State <input type="checkbox"/> 1                   | <input type="checkbox"/> 1 Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State <input type="checkbox"/> 2                | <input type="checkbox"/> 2 Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 | <input type="checkbox"/> 3 Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened

Transferred from ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

## VI. CAUSE OF ACTION

Brief description of cause: FDCPA 15 USC § 1692

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint  
JURY DEMAND: ☒ Yes ☐ No.

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 12/18/13 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 937 Federal Street, Philadelphia, PA 19147

Address of Defendant: 7 Foster Avenue, Gibbsboro, NJ 08026

Place of Accident, Incident or Transaction: 937 Federal Street, Philadelphia, PA 19147

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) FDCPA, 15 USC § 1692

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability (Asbestos)
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/18/13  
CIV.609 (4/03)

Attorney-at-Law

Attorney I.D.

**APPENDIX I**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

SEAK SEM	:	CIVIL ACTION
	:	
V.	:	
	:	
QUALITY ASSET RECOVERY, LLC	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. (     )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits (     )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (   X  )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. (     )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases) (     )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (     )

12/18/13  
Date

  
Attorney at Law

Andrew M. Nite  
Attorney for Plaintiff

(610) 822-0782  
Telephone  
(Civ.660) 10/02

(610) 667-0552  
Fax Number

Amilz@consumerslaw.com  
E-Mail Address

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SEAK SEM,  
937 Federal Street  
Philadelphia, PA 19147

Plaintiff,

vs.

QUALITY ASSET RECOVERY, LLC  
7 Foster Avenue  
Gibbsboro, NJ 08026

Defendants.

CIVIL ACTION NO.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”).

2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

3. Defendants are subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

**II. JURISDICTION**

4. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

**III. PARTIES**

5. Plaintiff is Seak Sem, a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

6. Defendant Quality Asset Recovery is believed to be a New Jersey based collection agency with a mailing address as captioned (herein referred to as “QAR”).

7. QAR regularly engages in the collection of consumer debts using the mails and telephone.

8. QAR regularly attempts to collect consumer debts alleged to be due another.

9. QAR is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

#### **IV. STATEMENT OF CLAIM**

10. On May 16, 2013, QAR sent Plaintiff an initial communication with regard to the collection of a consumer debt alleged due. A copy of the May 16, 2013 letter is attached hereto as Exhibit “A” (redacted for privacy per Fed. R. Civ. Pro. 5.2).

11. The May 16, 2013 letter announces it is a “FINAL NOTICE”. (Ex. “A”)

12. The May 16, 2013 dun appears to be collecting medical debts alleged due to multiple creditors or “facilities” regarding “MULTIPLE” dates of service for “MULTIPLE” patients. (Ex. “A”)

13. The letter goes on to state:

Your account will be reviewed for possible referral to our attorney unless you contact our office within the next seven (7) days. If a lawsuit is filed, the additional expenses of court costs and attorney fees, where provided, would be your responsibility to pay if a judgment is entered against you.

(Ex. “A”)

14. Section 1692e of the FDCPA prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt. 15 U.S.C. §1692e and §1692e(10).

15. The FDCPA also prohibits the threat to take any action that cannot legally be taken or that is not intended to be taken. 15 U.S.C. § 1692e(5).

16. The heading “FINAL NOTICE” and the language about “possible referral to our attorney unless you contact our office within the next seven (7) days” created a false sense of urgency prohibited by U.S.C. § 1692e, e(10).

17. Upon information and belief, there was no such urgency, and no immediate attorney referral.

18. There is no basis for a shifting of “court costs” and “attorney fees” here, making Defendant’s statement a threat to take an action it could not take, or did not intend to take.

19. Defendant’s statements are not only deceptive and misleading, but are intimidating to the consumer.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

20. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

21. Defendant’s May 16, 2013 letter violates the FDCPA in the following ways:

- (a) by sending a false, deceptive, or misleading communications in violation of 15 U.S.C. §1692e and §1692e(10); and
- (b) by threatening to take any action that cannot legally be taken or is not intended to be taken in violation of 15 U.S.C. § 1692e(5).

**WHEREFORE**, Plaintiff Seak Sem demands judgment against Defendant Quality Asset Recovery, for:

- (a) Damages;
- (b) Attorney’s fees and costs;
- (c) Such other and further relief as the Court shall deem just and proper.

**V. DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Date:

12/18/13

Respectfully submitted:



CARY L. FLITTER  
THEODORE E. LORENZ  
ANDREW M. MILZ  
Attorneys for Plaintiff

**FLITTER LORENZ, P.C.**  
450 N. Narberth Avenue, Suite 101  
Narberth, PA 19072  
(610) 822-0782

# **EXHIBIT “A”**





P.O. BOX 239  
GIBBSBORO, NJ 08026-0239  
(800) 796-1476

33613



RETURN SERVICE REQUESTED

002535 0101

FACILITY:  
COOPER ANESTHESIA & OTHERS

IF PAYING BY MASTERCARD OR VISA, FILL OUT BELOW.		
CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> VISA	SAVE TIME PAY ONLINE www.payqarcollect.com
CARD NUMBER	SECURITY CODE	
CARDHOLDER NAME	EXP. DATE	
SIGNATURE		
FACILITY ACCOUNT #	DATE OF SERVICE	BALANCE DUE
510	MULTIPLE	
PATIENT NAME	AMOUNT PAID	
MULTIPLE	\$	

652836C (PG 1)

SEAK SEM  
937 FEDERAL ST  
PHILADELPHIA, PA 19147-5050

QUALITY ASSET RECOVERY, LLC  
P.O. BOX 239  
GIBBSBORO, NJ 08026-0239

33613\*TSFQMA0WV000004

\* See back for more important details

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

**FINAL NOTICE**

MAY 16, 2013

Dear SEAK SEM,

Facility: COOPER ANESTHESIA & OTHERS  
Patient Name: MULTIPLE  
Account #: 510  
Balance Due:

You have failed to resolve your account despite our repeated requests for payment. Further delay will not be allowed. Your account will be reviewed for possible referral to our attorney unless you contact our office within the next seven (7) days. If a lawsuit is filed, the additional expenses of court costs and attorney fees, where provided, would be your responsibility to pay if a judgment is entered against you.

This has been sent from a collection agency, Quality Asset Recovery. This is an attempt to collect a debt and any information obtained will be used for that purpose.

**\*\* This bill reflects a combined balance from multiple accounts with this office.**

Sincerely,  
Quality Asset Recovery, LLC

0008120510 M04  
Phone: 800-796-1476



This communication has been sent by a debt collector, this is an attempt to collect a debt and any information obtained will be used for that purpose.

Pay by phone service at No Charge by calling 1-800-796-1476



00000254-A